IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1896 OF 2005

Bhabha Atomic Research Centre
Officers' Association ... Petitioner
Vs.
The Union of India and Ors. Respondents

Mr. Rahul G. Walia for Petitioner.
Mr. S.S. Pakale with Mr. D.A. Dube for Respondents.

CORAM: F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED: SEPTEMBER 12, 2006

P.C.:

. The Petitioners before this court is an Association of Senior Officers working in the Bhabha Atomic Research Centre. They had moved Central Administrative Tribunal on the ground that the benefit of Transport allowance provided to employees was made conditional to the effect that "those employees who are provided with Government accomodation within a distance of 1 kilometre from the place of duty or within a campus housing the places of work and residence and those employees who are provided with the facility of Government transport shall not be paid the allowance." It is submitted that such officers who also stay outside the campus are getting the benefit of free transport provided by B.A.R.C. apart from drawing the transport allowance whereas in so far as those residing in the campus are concerned, they are only being given transport facility and not transport allowance. It is submitted that it is arbitrary and

consequently this court should interfere with the decision of the C.A.T. which has taken a decision that the Petitioners are not entitled to transport allowance.

. We have considered the material placed before us. We find that the Government of India had accepted the recommendations of the 5th Pay Commission in so far as transport allowance is concerned with modifications. The modification was that those staying outside one km would be entitled to transportation allowance and those staying in the campus beyond 1 km for them no allowance is being paid. This is purely a policy matter. It is in these circumstances, that we do not propose to exercise our extra ordinary jurisdiction. If what the Petitioner point out is correct, then their case also requires sympathetic consideration.

. In these circumstances, it will be open to the Petitioner to represent to the Respondents within two weeks from today and on such representation being made, respondents to consider the same not latter than 16 weeks from the receipt of the same. With the above observations, Petition disposed of.

(ANOOP V. MOHTA,J.) **(F.I.REBELLO, J.)**